

Senator Carl A. Parker
Chairman
Senator O.H. "Ike" Harris
Vice Chairman
Senator Steve Carriker
Senator Don Henderson
Senator Jim Turner



The Texas Senate
Subcommittee on Insurance

May

James W. Fields
Legal Counsel
CJ Parham Tredway
Committee Clerk

August 20, 1991

RO-199

Opinions

ID#13453
RG

The Honorable Dan Morales
Attorney General
Price Daniels Building, Suite 800
Austin, Texas

Dear General Morales:

As the chairman of the Senate Subcommittee on Insurance, I respectfully request your opinion on the following:

Does Article 224 V.A.C.S. violate the Open Courts Provision of the Texas Constitution - Article I, Section 13 - by depriving an individual of his or her day in court?

It is my understanding that by utilizing this statute, insurance companies have forced breach of contract causes of action or bad faith claims to mandatory arbitration with no recourse to the courts.

Please contact my office if any additional information is needed. Your attention to this matter is appreciated.

Sincerely,

Handwritten signature of Carl A. Parker in cursive script.

Carl A. Parker

CAP/ct

RECEIVED

AUG 22 1991

DAN MORALES